

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**WHITNEY S.,**

**Plaintiff, :**

**v.**

**Case No. 2:22-cv-3917  
Judge Sarah D. Morrison  
Magistrate Judge Elizabeth A.  
Preston Deavers**

**COMMISSIONER OF  
SOCIAL SECURITY, :**

**Defendant.**

**ORDER**

Plaintiff brings this action under 42 U.S.C. § 405(g) for review of a final decision of the Commissioner of Social Security (“Commissioner”) denying her application for Social Security period of disability and disability insurance benefits and supplemental security income. (ECF No. 6.) Plaintiff filed her Statement of Errors on March 27, 2023. (ECF No. 9.) On September 28, 2023, the Magistrate Judge issued a Report and Recommendation, recommending that the Court overrule Plaintiff’s Statement of Errors and affirm the Commissioner’s denial of benefits. (ECF No. 13.) Plaintiff timely filed her Objection to the Magistrate Judge’s Report and Recommendation. (ECF No. 14.) The Commissioner responded. (ECF No. 15.)

If a party objects within the allotted time to a report and recommendation, the Court “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court “may

accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The Court’s review “is limited to determining whether the Commissioner’s decision ‘is supported by substantial evidence and was made pursuant to proper legal standards.’” *Ealy v. Comm’r of Soc. Sec.*, 594 F.3d 504, 512 (6th Cir. 2010) (quoting *Rogers v. Comm’r of Soc. Sec.*, 486 F.3d 234, 241 (6th Cir. 2007)); *see also* 42 U.S.C. § 405(g) (“The findings of the Commissioner of Social Security as to any fact, if supported by substantial evidence, shall be conclusive . . .”).

The Court has carefully reviewed the record and concludes that the decision of the Commissioner is supported by substantial evidence and was made pursuant to proper legal standards. The issue raised in Plaintiff’s Objection was considered and correctly addressed by the Magistrate Judge.

Accordingly, the Court **OVERRULES** Plaintiff’s Objection (ECF No. 14), **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 13), and **AFFIRMS** the Commissioner’s decision. The Clerk is **DIRECTED** to **TERMINATE** this case from the docket records of the United States District Court for the Southern District of Ohio, Eastern Division.

**IT IS SO ORDERED.**

/s/ Sarah D. Morrison  
**SARAH D. MORRISON**  
**UNITED STATES DISTRICT JUDGE**